

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

CANTEEN VENDING COMPANY,  
Individually and on behalf of a class of all those  
similarly situated,

Plaintiff,

- v -

CADBURY ADAMS CANADA, INC.,  
CADBURY SCHWEPPE'S PLC, CADBURY  
ADAMS USA LLC, HERSHEY CANADA  
INC., THE HERSHEY COMPANY, MARS  
CANADA INC., MARS, INC., MARS NORTH  
AMERICA, MARS SNACKFOODS US,  
NESTLE CANADA INC., NESTLE S.A.,  
and NESTLE USA,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 1205

Judge Berman

TO: (name and address of Defendant)

Nestlé USA  
800 North Brand Boulevard  
Glendale, CA 91203

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address):

Tanya Chutkan  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Ave. N.W. Suite 800  
Washington, DC 20015  
(202) 237-2727

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 06 2008

CLERK

DATE

(By) DEPUTY CLERK

*Manuel Quintero*

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
CANTEN VENDING COMPANY, INDIVIDUALLY AND ON BEHALF OF A  
CLASS OF ALL THOSE SIMILARLY SITUATED

against  
CADBURY ADAMS CANADA, INC., ET AL.,

Plaintiff(s)

Defendant(s)

Index No. 08 CV 1205(PKC)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

SEE ATTACHED RIDER

CALIFORNIA  
STATE OF ~~NEW YORK~~ COUNTY OF ORANGE

SS: The undersigned, being duly sworn, deposes and says; deponent is not a  
party herein, is over 18 years of age and resides ~~IN~~ IN THE STATE OF CALIFORNIA

That on 2/19/08

at 2:35 P.M., at 800 N. BRAND BLVD., GLENDALE, CALIFORNIA

deponent served the within summons, and complaint on

NESTLE USA

defendant therein named

SEE ATTACHED RIDER

INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
said defendant therein.  
CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to ANGELA BAILEY  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be MANAGING AGENT thereof.  
SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXED TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4

BA. ☐

MAILING TO  
BUSINESS  
USE WITH 3 OR 4

BB. ☐

DESCRIPTION  
USE WITH  
1, 2, OR 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE

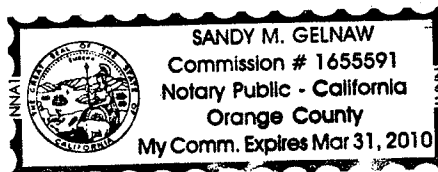
☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on

20 Feb 08

Sandy M Gelman



PRINT NAME HERE  
FRED SLOAN

License No. 790

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.  
TOTAL P.02

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CANTEEN VENDING COMPANY, INDIVIDUALLY AND ON  
BEHALF OF A CLASS OF ALL THOSE SIMILARLY SITUATED

Plaintiff,

vs.

**RIDER TO  
AFFIDAVIT OF SERVICE**

CADBURY ADAMS CANADA, INC., ET AL.,

Defendants,  
-----X

List Of Documents Served:

- Summons In A Civil Action;
- Class Action Complaint;
- Hon. Richard M. Berman's Memo Endorsed dated February 6,2008;
- Notice Of Reassignment;
- Individual Practices Of Judge P. Kevin Castel;
- Individual Rules Of Practice Of Judge Kevin Nathaniel Fox;
- 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case Or Appeal.